



## ACTON PLANNING BOARD DRAFT

### Minutes of Meeting April 25, 2006 Acton Memorial Library

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chair), Mr. Gary Sullivan, Ms. Ruth Martin, Mr. Michael Densen and associate Mr. Bruce Reichlen attended. Also present was Town Planner, Mr. Roland Bartl and Planning Board Secretary, Ms. Kim DelNigro.

Absent were Mr. William King, Mr. Edmund Starzec and Mr. Alan Mertz.

Mr. Niemyski called the meeting to order at 7:35 PM.

#### **I. Citizens Concerns**

Mr. James Fenton, developer of Ellsworth Village, was present to discuss the citizens concerns with the recent perchlorate detections in wells of the abutting neighbors. Several neighbors also attended. Mr. Fenton stated he met and consulted with the Acton Board of Health and Acton Fire Department along with the blasting company, Dyno Nobel. Mr. Dave Saunders, blasting contractor, claims that they used certified perchlorate free compounds.

##### Citizens' comments/concerns:

- Mr. Henry "Chip" Chapin, 4 Brabrook Road, is concerned with the results of his well tests after the blasting occurred and would like Mr. Fenton to reimburse him for the cost of the well testing and have Mr. Fenton pay for the hook up to the town water connection.
- Mrs. Carol Holley, 39 Pope Road, is concerned with abutting wells to the development. Mrs. Holley stated she has spoken with Rose Knox from DEP regarding this concern.
- Mr. Bryon Iandoli & Ms. Debby Adams, 10 Brabrook Road, are concerned with their well and what steps will be taken.
- Mr. Karu Ratnam, 6 Brabrook Road, is very disturbed with the danger of this situation. Mr. Ratnam asked what will happen and who's responsibility is it?

##### Planning Board comments:

- Mr. Greg Niemyski asked the blasting contractor if he can ask the manufacturer to see if there have been any other problems that have occurred with this batch of blasting materials. Mr. Niemyski mentioned to have the citizens take their concerns to the Board of Selectmen.
- Mr. Gary Sullivan asked the blasting contractor how many times this has happened. Mr. Saunders stated that perchlorate concerns are all very new and he doesn't know if this is really a problem.
- Ms. Ruth Martin mentioned to check with DEP and see if there are any regulations in progress.
- Mr. Roland Bartl stated that the Planning Board doesn't have authority to step in. There are no regulations in place and DEP and EPA has to step in and give guidance to the Board of Health and the Fire Department. The Planning Board in its decision has only created a vehicle to monitor the private wells in case perchlorate compound were to be used in blasting.
- Mr. Niemyski stated that, based on the information available, it is not absolutely clear that the blasting compounds that were used are the source of the perchlorates now found in wells, and that the developer appears to have exercised sufficient due diligence in trying to obtain perchlorate-free materials.
- Asked what the Board would next to prevent such an occurrence in the future Mr. Christopher Schaffner stated that the Board will take the matter under advisement.

Mr. James Fenton commented that blasting is finished in Brabrook Road for the new water main, and that the main has connection stubs for each of the houses on Brabrook Road. He stated that more blasting may be needed on the development site. The Board urged him to test the blasting materials for perchlorates before proceeding. Mr. Fenton agreed. The Board urged Mr. Fenton to try to work with the affected abutters towards hooking them up to Town water.

Mr. Greg Niemyski moved to close the citizens' concern session and hold the matter as an open issue for further review; 2<sup>nd</sup>; all in favor.

## **II. Consent Agenda**

Item A, Minutes of 3/14/05, and Item B, Extension of Decision (05-02) – 17 Washington Drive, passed by unanimous vote.

## **III. Reports**

**CPC:** Roland Bartl reported that he is finalizing the award letters to distribute.

**EDC:** No report

**South Acton Commuter Rail Task Force (SACRTF):** Gary Sullivan reported that the meetings are completed and Acton Shuttle Group will be taking over.

## **IV. Discussion – Preliminary Plan – Quarry Road (Yin Peet & Tom DiPersio)**

Ms. Yin Peet, property owner and her engineer, Mr. Tom DiPersio explained the conceptual plan for a Planned Conservation Residential Community (PCRC) off Quarry Road. Ms. Peet is requesting feedback from the Planning Board on the proposed plan. The PCRC would include two house lots, a studio, and an activity/sculpture park area in connection with the studio. Ms. Peet is planning on submitting the legal documentations demonstrating access if/when the project moves forward.

The Board members raised questions and concerns regarding:

- Will the walkway to Nara Park continue to be a public access?
- How will you transport the sculptures to the activity area?
- Will you continue to keep the activity area open to the public?

The Board Chairman thanked Ms. Yin Peet and Mr. DiPersio for their time and effort to explain the project.

## **V. Steve Anderson (Town Counsel) – Woodlands at Laurel Hill**

Mr. Steve Anderson, Town Counsel, reviewed and explained the Board of Appeals Comprehensive Permit (40B) approval for the Woodlands project, and the agreement and fourth extension amendment, under which the Planning Board is to issue a special permit for the Senior Residence development portion of the project. This special permit, if granted, would convert the 40B condominium portion of the Woodlands project to a senior residence development under local zoning with fewer affordable units, and a greater contribution from the project to the Town for public safety improvements in North Acton. The extension agreement anticipates a special permit from the Planning Board by September 30, 2006.

## **VI. Jim Fenton – Porches/decks at Ellsworth Village**

The applicants, Mr. Jim Fenton and Mr. Michael Jeanson presented the requested modifications to the Board for the allowance of decks in the standard setback to common land and property boundaries. After some inquiries and discussion by Board members, Mr. Niemyski motioned to approve the minor amendment under the condition that all decks shall have maximum dimensions of 8 feet depth from wall, 16 feet in width, and a 4 feet clearance to finished ground level. Given

that this is a senior housing development, it is reasonable and necessary that its residents can access a deck without having to first negotiate steps. Mr. Schaffner 2nd, all voted in favor.

May 9, 2006 meeting was cancelled.

Mr. Niemyski moved to close the meeting, Mr. Schaffner 2<sup>nd</sup>; all voted in favor.

The meeting adjourned at 9:20 PM.